

MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
MAINE LAND USE PLANNING COMMISSION

CHAPTER 1, FEE SCHEDULE

Proposed repeal and replacement of Chapter 1

Date: November 9, 2020 - Provisionally Adopted

This rulemaking package proposes to revise Chapter 1, illustrated in repeal and replace format (i.e., without strikeout and underling). An alternative “Redline Version” illustrates proposed changes are shown in strikeout and underline format with additions in underlined text, deletions as ~~strikethroughs~~, and relocations as double underline and double ~~strikethroughs~~.

Of the substantive revisions, many are self-explanatory. Where necessary, further explanations of some changes have been included in [brackets]. These explanatory notes will not be included in the final rule. A generalized summary of the revisions is provided on the next page.

Department of Agriculture, Conservation and Forestry

MAINE LAND USE PLANNING COMMISSION

22 State House Station, Augusta, Maine 04330. Tel. (207) 287-2631

Fee Schedule

Chapter 1 of the Commission's Rules

Effective Date: August 27, 1990

Amended Effective: [Not yet applicable / available]

1.01 PURPOSE AND LEGAL AUTHORITY

This rule establishes a fee schedule for applications and petitions processed by the Maine Land Use Planning Commission and prescribes fees for general administrative services including reproduction of documents and distribution of maps and publications.

This rule is authorized by and adopted pursuant to 1 M.R.S. § 408-A and 12 M.R.S. §§ 684, 685-B(2), 685-C(3), and 685-F.

1.02 SCHEDULE OF FEES

A. GENERAL PROVISIONS

[Revision Note: Proposed revisions either clarify phrasing or result in the relocation of provisions to a more appropriate section (e.g., additional fees, or exceptions).]

1. Fees that are based on acres, square feet, or linear feet are calculated using the square feet or linear feet of all new, reconstructed, replaced, expanded, or changes in use to nonconforming structures, disturbed areas, or other development, including utility lines. Legally existing development is not counted in the fee calculation. For utility lines, roads, land management roads, and natural resource extraction, only the portions of the project or the additional length, acreage, or withdrawal that triggers permit review are subject to application fees.
2. Except as may be provided by Section 1.02(B), application fees for major amendments to permits are assessed using the same method as the application fees for an initial permit application.
3. No application for a permit, zoning petition, certificate of compliance, advisory ruling, certification, variance, or service will be processed until the fees have been paid in full in accordance with this rule.
4. All fees are non-refundable, except any fees assessed in accordance with Section 1.02(E)(2)(c), and Section 1.02(E)(3) that exceed actual processing costs.

e. Hydropower	\$200.00	Base fee for micro-hydropower or hydropower development that does not require water quality certification
	\$500.00	Base fee for all other hydropower development
f. Metallic mineral mining certifications	\$200.00	Base fee
	\$5,000.00	Maximum fee
g. Minor amendments (except for permit transfers)	50% of base fee listed for applicable use	Base fee
	\$250.00	Maximum fee
h. Non-residential development (except as listed separately in Section 1.02(B)(1))	\$200.00	Base fee
	\$5,000.00	Maximum fee
i. Permit transfers ¹	\$200.00	Base fee
j. Residential development on lots within Commission approved subdivisions	\$50.00	Base fee
	\$750.00	Maximum fee
k. Residential development on lots not within Commission approved subdivisions	\$75.00	Base fee
	\$1,000.00	Maximum fee
l. Resource extraction	\$200.00	Base fee
	\$5,000.00	Maximum fee
m. Roads	\$200.00	Base fee
	\$1,000.00	Maximum Fee Level A Projects and Land Management Roads
	\$2,500.00	Maximum Fee Level B Projects
	\$5,000.00	Maximum Fee Level C Projects

- c. Roads** Per linear foot of:
- + \$0.15 Land management road
 - + \$0.10 Level A Road Projects
 - + \$0.15 Level B Road Projects
 - + \$0.30 Level C Road Projects
- d. Shoreland and wetland alterations:** Per square foot of shoreline alteration
- + \$0.20 allowed by expedited review
 - + \$0.40 in all other instances (includes areas within 25 feet of shoreline, and wetland impact areas)
- e. Structures:** Per square foot (footprint³) structures
- + \$0.15 for residential development on lots within Commission approved subdivisions
 - + \$0.20 for residential development on lots not within Commission approved subdivisions
 - + \$0.30 for nonresidential development on lots within Commission approved subdivisions
 - + \$0.40 for nonresidential development on lots not within Commission approved subdivisions
- f. Subdivision lots:** Regarding subdivision proposals
- Per lot created requiring Commission approval:
- + \$600.00 for basic and rural layouts
 - + \$300.00 for clustered layouts
 - + \$200.00 for flexdesign layouts
- Regarding Certificates of Compliance
- + \$50.00 Per lot or unit approved by permit
- g. Towers:** Per foot of tower height
- + \$3.00 for towers less than 200 feet tall
 - + \$5.00 for towers more than 200 feet tall
- h. Utility lines & pipelines:** + \$0.10 Per linear foot of utility line, pipe, or other linear development (except roads)
- i. Water crossings:** + \$2.00 Per linear foot of span length or culvert width

³ For the purpose of interpreting the provisions of Section 1.02(B)(2)(e) only, "footprint" of solar panels shall be the square footage of all footings and foundations.

C. FEES FOR PETITIONS FOR SUBDISTRICT BOUNDARY CHANGES (ZONING PETITIONS)

[Revision Note: The revision of the fees listed in this section respond to the relative workload or expenses often incurred by the agency, or otherwise build upon the Commission's efforts to incentivize certain activities.]

Petitions proposing more than one of the following will be assessed the highest applicable base fee, and each applicable per acre fee listed below.

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|--|-------------------------|--|
| 1. Change to a protection subdistrict | \$250.00 | |
| a) Includes Resource Plans but not Concept Plans | | |
| 2. Change to a management subdistrict | \$500.00 | |
| 3. Change to a development subdistrict | | |
| a) Change to a D-RB or other prequalified development subdistricts made available as result of a community-based planning process ⁴ . | \$250.00
+ \$8.00 | Base fee
per acre of new or changed development subdistrict |
| b) Change to a D-PD subdistrict | \$5,000.00
+ \$25.00 | Base fee
per acre of new or changed development subdistrict |
| c) Change to a D-RF or D-PR subdistrict | \$500.00
+ \$10.00 | Base fee
per acre of new or changed development subdistrict |
| d) Change to a development subdistrict (except as provided in | \$1,000.00
+ \$25.00 | Base fee
per acre of new or changed development subdistrict |

⁴ Prequalified development subdistricts include specific eligible locations within the subdistrict description.

D. SPECIAL SERVICE FEES

[**Revision Note:** The revision of the fees listed in this section intend to improve user convenience, respond to the prevalence of free digital resources, or clarify fees to be charged for certain new services.]

Fees will not be assessed to view or download materials available on the Commission's website or other web-based transfer.

The following fees will be assessed to recover expenses incurred by the Commission in providing the services listed:

1. **For reproduction of documents, transcripts, or other records:** \$1.00 for the first page, and \$0.25 per page thereafter, except as provided below.
2. **For full-sized subdistrict boundary (zoning) maps:** \$3.00 per map plus applicable postage. Each applicant may request and receive, at no charge, one copy of each applicable subdistrict boundary map for application purposes.
3. **For publications or rules:** No fee will be assessed for the first copy of any publication or rule. Charges will be made for additional copies as follows:
 - a. Comprehensive Land Use Plan \$10.00 or actual costs, whichever are greater;
 - b. Rules and standards \$5.00 or actual costs, whichever are greater;
 - c. All other publications \$3.00 or actual costs, whichever are greater;
4. **For photographs, oversized documents, reduced size subdistrict boundary maps, or other items requiring special handling:** Actual cost of reproduction, handling, and applicable postage.
5. If the Commission records documents at a county registry of deeds on behalf of the permittee or owner, the Commission may assess only the actual cost charged by the applicable county registry of deeds for recording and for any applicable copy required for the Commission's records.